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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/821,082 | 03/30/2001 | Masahiro Odashima | Q63805 | 4078 |

7590 02/08/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

CUMMING, WILLIAM D

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2683

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,082

Applicant(s)

ODASHIMA, YAMANAKA, SAKUMA

Examiner

WILLIAM D CUMMING

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/10/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

1. Newly submitted claims 6-15 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The original claims 1-5 claims a wireless terminal for a mobile unit which is mounted in a mobile unit, classified in 455/557

The newly submitted claims 6-15 claims a mobile unit with equipment detail for providing wireless link to fixed equipment, classified in 455/552.2

2. Since applicants have received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 5-15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alpert** in view of **Cappadona** or **Kroll, et al.**

Alpert discloses a wireless terminal (figure 3A) for a mobile unit (figure 7, #12) which is mounted in a mobile unit (figure 2) and conducts communication with a wireless base station (#15, 18) through wireless. The wireless terminal (figure 3A) comprising an operating section (#52) for starting the communication with the wireless base station (#15, 18) and a controller (#70) for allowing an information output from the wireless terminal (figure 3A) to the wireless base station (#15, 18) in response to a fact that the operating section (#52) has been operated.

Alpert does not disclose allowing **only** an information output from the wireless terminal to the wireless base station in response to a fact that the operating section has been operated

Cappadona or Kroll, et al teaches the use of allowing **only** an information output from the wireless terminal to the wireless base station in response to a fact that the operating section has been operated (figure 1, #12, in Cappadona or in figure 2, #16, in Kroll, et al) in a wireless terminal for the purpose of providing an economical emergency cellular phone that can be operated without the need to pay a monthly access fee. Hence it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of allowing **only** an information output from the wireless terminal to the wireless base station in response to a fact that the operating section has been operated, as taught by Cappadona or Kroll, et al, for the purpose of providing an economical emergency cellular phone that can be operated without the need to pay a monthly access fee in the cordless terminal Alpert in order for the wireless terminal to be used only for emergency communications.

Alpert, Kroll, et al, and Cappadona all disclose wherein said controller allows an information output from the wireless base station in response to the fact that the operating means has again been operated when having allowed only the information output from the wireless terminal to the wireless base station in response to the fact that the operating section has been operated.

Both **Kroll, et al** and **Cappadona** teaches wherein said controller allows an information output from the wireless base station in response to the fact that the operating section has again been operated a predetermined period of time after the operating section has been operated when having allowed only the information output from the wireless terminal to the wireless base station in response to the fact that the operating means has been operated. Note #16 in **Cappadona** and figure 6, #208, 210. Hence it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to incorporate the use said controller allows an information output from the wireless base station in response to the fact that the operating section has again been operated a predetermined period of time after the operating section has been operated when having allowed only the information output from the wireless terminal to the wireless base station in response to the fact that the operating means has been operated, as taught by **Cappadona** or **Kroll, et al**, for the purpose of providing an economical emergency cellular phone that can be operated without the need to pay a monthly access fee in the cordless terminal **Alpert** in order for the wireless terminal to be used only for emergency communications.

As understood, **Alpert, Kroll, et al**, and **Cappadona** all disclose controller allows a voice information output (the audio from the speaker) from the wireless base station in response to a voice output request message (the audio is modulated on a signal, like an analog or digital signal) sent from the wireless base station when having allowed only the information output from the wireless

terminal to the wireless base station in response to the fact that the operating means has been operated. This feature is almost inherent on all cellular or wireless telephones. You must push or operate a button to answer a call and cellular or wireless telephone sends a message to the base station in order to set up the voice channel from the base station.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alpert in view of **Cappadona or Kroll, et al** as applied to claim 1 above, and further in view of **Radley**.

Radley teaches the use of controller (figure2 #DIS and inherent) allows an image information output from the wireless base station (figure 1, #TELECOMMUNICATION SYSTEM and inherent) in response to an image output request message (the image is modulated on a signal, like a digital signal) sent from the wireless base station (#TELECOMMUNICATION SYSTEM and inherent) when having allowed only the information output from the wireless terminal to the wireless base station (#TELECOMMUNICATION SYSTEM and inherent) in response to the fact that the operating means (#KB) has been operated (This feature is almost inherent on all cellular or wireless telephones. You must push or operate a button to answer a call and cellular or wireless telephone sends a message to the base station in order to set up a channel from the base station) for the purpose of transmit a picture of a person talking to the user. Hence, it would have been obvious to incorporate the use of controller

allows an image information output from the wireless base station in response to an image output request sent from the wireless base station when having allowed only the information output from the wireless terminal to the wireless base station in response to the fact that the operating means has been operated, as taught by **Radley**, in the wireless terminal of **Alpert** in view of **Cappadona** or **Kroll, et al** as applied to claim 1 above in order transmit a picture of a person talking to the user for psychological comfort.

Response to Amendment

8. MAILING AND HAND CARRY ADDRESSES FOR MAIL TO THE UNITED STATES PATENT AND TRADEMARK OFFICE

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For most correspondence (e.g., new patent applications) no mail stop is required because the processing of the correspondence is routine. If **NO mail stop is included on the list below, no mail stop is required for the correspondence.** See the listing under "Special Mail Stops Applicable To Both Patent And Trademark Mail" for additional mail stops for patent-related correspondence. Only the specified type of document should be placed in an envelope addressed to one of these special mail stops. If any documents other than the specified type identified for each special mail stop are addressed to that mail stop, they will be significantly delayed in reaching the appropriate area for which they are intended. The mail stop should generally appear as the first line in the address.

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| Mail Stop AF | Amendments and other responses after final rejection, other than an appeal brief. |
| Mail Stop Amendment | Information disclosure statements, drawings, and replies to Office actions in patent applications with or without an amendment to the application or a terminal disclaimer. (Use Mail Stop AF for replies after final rejection.). |
| Mail Stop Appeal Brief- Patents | For appeal briefs or other briefs under part 41 of title 37 of the Code of Federal Regulations (e.g., former 37 CFR 1.192). |
| Mail Stop Comments- Patents | Public comments regarding patent related regulations and procedures. |
| Mail Stop Conversion | Requests under 37 CFR 1.53(c)(2) to convert a nonprovisional application to a provisional application and requests under 37 CFR 1.53(c)(3) to convert a provisional application to a nonprovisional application. |
| Mail Stop DD | Disclosure Documents or materials related to the Disclosure Document Program. (A disclosure document is NOT an information disclosure statement.) Instead of filing a disclosure document, inventors are encouraged to file a provisional patent application. |
| Mail Stop EBC | Mail for the Electronic Business Center including: Certificate Action Forms, Request for Customer Numbers, and Requests for Customer Number Data Change (USPTO Forms PTO-2042, PTO/SB/124A and 125A, respectively) and Customer Number Upload Spreadsheets and Cover Letters. |
| Mail Stop Expedited Design | Only to be used for the initial filing of design applications accompanied by a request for expedited examination under 37 CFR 1.155. (Design applicants seeking expedited examination may alternatively file a design application and corresponding request under 37 CFR 1.155 by hand-delivering the application papers and |

request directly to the Design Group Director's office.)

Mail Stop Express Abandonment

Requests for abandonment of a patent application pursuant to 37 CFR 1.138, including any petitions under 37 CFR 1.138(c) to expressly abandon an application to avoid publication of the application. (This new mail stop should be used instead of Mail Stop PGPUB- ABD. Applicants are encouraged to transmit the requests by facsimile to (703) 305-8568.)

Mail Stop ILS

Correspondence relating to international patent classification, exchanges and standards.

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All communications following the receipt of a PTOL-85, "Notice of Allowance and Fee(s) Due," and prior to the issuance of a patent should be addressed to Mail Stop Issue Fee, unless advised to the contrary.

Assignments are the exception. Assignments (with cover sheets) should be faxed to 703-306-5995, electronically submitted, or submitted in a separate envelope and be sent to Mail Stop Assignment Recordation Services, Director - U.S. Patent and Trademark Office as shown below.

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Mail Stop MPEP

Submissions concerning the Manual of Patent Examining Procedure.

Mail Stop Patent Ext.

Applications for patent term extension and any communications relating thereto.

Mail Stop PCT

Mail related to international applications filed under the Patent Cooperation Treaty in the international phase and in the national phase under 35 U.S.C. 371 prior to mailing of a Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.405

Art Unit: 2683 1/28/2005

Final Rejection.doc

(Form PCT/DO/EO/903).

| | |
|--------------------------------------|---|
| Mail Stop Petition | <i>Petitions to be decided by the Office of Petitions including petitions to revive and petitions to accept late payment of issue fees or maintenance fees.</i> |
| Mail Stop PGPUB | Correspondence regarding publication of patent applications not otherwise provided, including requests for early publication made after filing, rescission of non-publication request, corrected patent application publication, refund of publication fee. |
| Mail Stop Post Issue | In patented files: requests for changes of correspondence address, powers of attorney, revocations of powers of attorney, withdrawal of attorney and submissions under 37 CFR 1.501. Designation of, or changes to, a fee address should be addressed to Mail Stop M Correspondence. Requests for Certificate of Correction need no special mail stop, but should be made to the attention of Certificate of Correction Branch. |
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| Mail Stop 11 | Mail for the Electronic Ordering Service (EOS). |
| Mail Stop 13 | Mail for the Employee and Labor Relations Division. |
| <i>Mail Stop 16</i> | <i>Mail related to refund requests, other than requests for refund of a patent application publication fee. Such requests should be directed to Mail Stop PGPub.</i> |
| Mail Stop 17 | Invoices directed to the Office of Finance. |
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| Mail Stop Congressional Relations | Mail for the Office of Congressional Relations (mail routed to Mail Stop 4 pursuant to 37 CFR 150.6 will be forwarded to Mail Stop Congressional Relations). |
| Mail Stop Document Services | All requests for certified or uncertified copies of patent or trademark documents. |
| Mail Stop EEO | Mail for the Office of Civil Rights. |
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| Mail Stop M Correspondence | Mail to designate or change a fee address, or other correspondence related to maintenance fees, except payments of maintenance fees in patents. See below for the address for maintenance fee payments. |
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Questions regarding the information provided on this page should be directed to: Darnell Jayne, Legal Advisor in the Office of Patent Legal Administration, by telephone at (571) 272-7701 or by e-mail addressed to PatentPractice@uspto.gov.

**9. Relocation of Customer Service Windows for Patent-Related Correspondence;
Establishment of Drop Box in South Tower for Certain Patent-Related Correspondence;**

Hand Carry and Mailing Address for Trademark-Related Correspondence

Effective January 14, 2005, a new Customer Service Window for patent-related correspondence will open at 8:30 a.m. at the USPTO Alexandria campus. The Customer Service Window (Lobby, Room 1B03) and the PCT Customer Service Window (8th floor) currently located at 220 20th Street South, Crystal Plaza Two, Arlington, VA 22202 will close at 12:00 midnight on January 13, 2005 and will be consolidated at the Alexandria campus.

Customer Service Window for Patent-Related Correspondence The location for the new Customer Service Window is on the first floor of the south side of the Randolph Building, with street level access from Ballenger Avenue. The specific hand carry or delivery address is: Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314 If the appropriate mail stop is known, the mail stop should also be included in the address. Documents for the Customer Service Window or the PCT Customer Service Window may be hand carried or delivered to the new Customer Service Window at the above Alexandria address on or after January 14, 2005. No application numbers will be assigned by window staff at the time of delivery. Hours of Operation will be 8:30 a.m. through 12 midnight, Monday through Friday, except holidays and if the USPTO is closed for inclement weather or an emergency.

Drop Box in South Tower for Certain Patent-Related Correspondence Additionally, a satellite drop location will be established in the lobby of the South Tower building in Crystal City (2900 Crystal Drive, Arlington, Virginia), effective January 14, 2005. This location will not be staffed but will be monitored by the building guard. Applications and application-related papers may be left at this location during the hours of 8:30 a.m. and 7:00 p.m., Monday through Friday, except holidays and if the USPTO is closed for inclement weather or an emergency. The guard will not allow materials to be left except during those hours. No postcard receipts will be stamped at time of drop off, nor will the guard answer any processing questions. Materials will be retrieved periodically throughout the day and taken to the appropriate location for processing.

Other Information Regarding Patent-Related Correspondence The new customer service window and new drop box must not be used for correspondence that is required to be mailed to post office boxes other than P.O. Box 1450, Alexandria, VA 22313-1450, filed by facsimile, filed electronically, or hand-delivered to a different address. PCT customer service offices will provide file inspection for files located in PCT PALM locations. The PCT file inspection location is Room 4A22, 2900 Crystal Drive, Arlington,

Virginia (South Tower). Customers should call 703-305-3165 in advance to make arrangements to inspect a file. Requests to inspect files located in OIPE PALM locations should be directed to the File Information Unit (FIU) at 703-308-2733. The FIU is located in Room 2E04, 2900 Crystal Drive, Arlington, Virginia (South Tower). Patent-related correspondence sent through the United States Postal Service should continue to be directed to the addresses set forth in 37 CFR 1.1 (revised effective September 13, 2004) (e.g., P.O. Box 1450, Alexandria, VA 22313-1450).

Hand Delivery and Mailing Address for Trademark-Related Correspondence Use of any patent boxes for trademark-related correspondence is strongly discouraged, and may result in delayed processing. Most trademark-related correspondence, including Madrid Protocol-related correspondence, may be filed electronically using the Trademark Electronic Application System (TEAS), at www.uspto.gov. The USPTO prefers that filers use TEAS where possible. Trademark-related correspondence also may be hand-delivered to the Trademark Assistance Center (TAC) located at:

Trademark Assistance Center
James Madison Building - East Wing
Concourse Level
600 Dulany Street
Alexandria, VA 22314

Hand deliveries of Madrid Protocol-related correspondence should also include the notation "Attention: MPU". Hours of operation for TAC are 8:30 a.m. - 5:00 p.m. Monday through Friday, except holidays or days the USPTO is closed for inclement weather or emergency. Trademark-related correspondence sent through the United States Postal Service, except documents sent to the Assignment Services Division for recordation, requests for copies of trademark documents, and documents filed under the Madrid Protocol, should be mailed to: Commissioner for Trademarks

P.O. Box 1451
Alexandria, VA 22313-1451

Madrid Protocol-related documents sent through the United States Postal Service should be mailed to:

Commissioner for Trademarks
P.O. Box 16471
Arlington, VA 22215-1471
Attn: MPU

Questions regarding this notice may be e-mailed to PatentPractice@uspto.gov, or directed to the Inventors' Assistance Center (formerly the Patent Assistance Center (PAC)) by telephone at (800)786-9199, or (703)308-4357.

Response to Arguments

10. Applicant's arguments filed November 10, 2004 have been fully considered but they are not persuasive.

During examination before the Patent and Trademark Office, claims must be given their broadest reasonable interpretation and limitations from the specification may not be imputed to the claims (Ex parte Akamatsu, 22 USPQ2d, 1918; In re Zletz, 13 USPQ2d 1320, In re Priest, 199 USPQ 11). Clear inference to the artisan must be considered, In re Preda, 159 USPQ 342. A prior art reference must be considered together with the knowledge of one of ordinary skill in the pertinent art, In re Samour, 197 USPQ 1. During patent examination, the pending claims must be "*given the broadest reasonable interpretation consistent with the specification.*" Claim term is not limited to single embodiment disclosed in specification, since number of embodiments disclosed does not determine meaning of the claim term, and applicant cannot overcome "*heavy presumption*" that term takes on its ordinary meaning simply by pointing to preferred embodiment (Teleflex Inc. v. Ficosa North America Corp., CA FC, 6/21/02, 63 USPQ2d 1374). Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified.

Most attorneys complain that the examiners does not take applicant's invention as a whole. In this application, it is the attorney that does not take invention as a whole and piecemeal the limitations in the claims. The limitations clearly states "...a controller for allowing only an information output from the wireless terminal to the wireless base station **in response to a fact that the operation section has been operated.**"

All the references clearly show then the operation section has been operated, the references only allows output information to the wireless base station. Once the information is outputted, the references may do other things, like receive. Also applicants own specification also states their wireless terminal for a mobile unit does also receive when the operation section has been operated. Note figure 3, #S13, S14, S15, S14.

If applicants' attorney continues this line of argument, the examiner may have no alternative to rejected the claims under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicants regard as their invention because what applicants' attorney is stating and what the specification describes and claims as the invention totally does not agree at all.

Because of the overwhelming evidence cited by the examiner above the allowance of this application is not in order.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. **A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.**

13. Replacement Notice: Copies of Patent Application Records will be Provided in both Electronic and Paper Form

The Official Gazette notice, published on August 24, 2004 entitled "*All Electronic Copies of Patent Application Records Will Now Be Provided as Certified Copies in Electronic Form*" (1285 Off. Gaz. Pat. Off, August 24, 2004) is hereby rescinded. The USPTO is reinstating, until further notice, the procedures in effect prior to July 30, 2004 for providing certified copies of patent application records with paper certification statements. The USPTO will also offer electronic certified copies of patent application records at the requester's option.

Certified Copies with Paper Certification

Unless otherwise requested, certified copies of patent application records provided pursuant to 37 CFR 1.19 (b) will be produced with a paper certification statement, continuing the practice in effect prior to July 30, 2004. The certification statement will include an embossed seal and original signature.

Certified Copies with Electronic Certification

Customers ordering certified copies of patent applications as filed or patent-related file wrapper and contents of published applications from the USPTO website will have the option to choose electronic copies with electronic certification. These files include an imaged certification statement as part of a *PDF file containing the document TIFF images. These electronic files are digitally signed by the USPTO for authenticity and integrity, and cannot be undetectably modified.* Customers may choose to download these electronic files from the USPTO website or receive them on compact disc.

Paris Convention for the Protection of Industrial Property and Priority

Irrespective of whether the USPTO provides a paper certified copy or an electronic certified copy, Article 4(d)(3) of the Paris Convention prohibits any country that is a member of the convention from requiring further authentication of the certified copy for purposes of claiming priority under the Paris Convention. (The text of the Paris Convention and a list of its members are available at www.wipo.int/treaties/en/ip/paris/index.html.)

The USPTO is working with other intellectual property offices to encourage the acceptance of priority documents in electronic form with electronic certification. A list of offices and international intellectual property organizations that have agreed to accept electronic certified copies will be posted on the USPTO website soon, and updated regularly.

Questions should be directed to the Office of Public Records by email to opr@uspto.gov or by telephone at (703) 308-9743.

14. If applicants wish to request for an interview, an *"Applicant Initiated Interview Request"* form (PTOL-413A) should be submitted to the examiner prior to the interview in order to permit the examiner to prepare in advance for the interview and to focus on the issues to be discussed. This form should identify the participants of the interview, the proposed date of the interview, whether the interview will be personal, telephonic, or video conference, and should include a brief description of the issues to be discussed. A copy of the completed *"Applicant Initiated Interview Request"* form should be attached to the Interview Summary form, PTOL-413 at the completion of the interview and a copy should be given to applicant or applicant's representative.

15. If applicants request an interview after this **final rejection**, prior to the interview, the intended purpose and content of the interview should be presented briefly, in writing. Such an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to **restate arguments** of record or to **discuss new limitations** which would require more than nominal reconsideration or new search will be denied.

16. Consolidated Appropriations Act, 2005 enacted on December 8, 2004

H.R. 4818, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act) was signed by President George W. Bush and enacted into law on December 8, 2004. The Consolidated Appropriations Act revises certain patent application and maintenance fees; provides separate fees for a basic filing fee, a search fee, and an examination fee; and requires an additional fee for any patent application whose specification and drawings exceed 100 sheets of paper (application size fee). The new patent fees are now effective and will remain in effect during the remainder of fiscal year 2005 and during fiscal year 2006. The patent maintenance fee changes apply to any maintenance fee payment made on or after December 8, 2004, regardless of the filing or issue date of the patent for which the fee is submitted. The revised maintenance fees took effect on December 8, 2004. Thus, any maintenance fee paid at any time on (or after) December 8, 2004 is subject to the revised maintenance fee amounts set forth in the Consolidated Appropriations Act.

Note: If you are paying via the USPTO's Internet Web site, there will likely be a delay in updating the maintenance-fee information on the USPTO's Office of Finance On-Line Shopping Web page. Therefore, if paying on-line, please refer to the updated fee schedule to ensure that you include the appropriate updated fee amount. Maintenance fees must be timely paid in the appropriate amount to avoid expiration of a patent.

The new basic filing fee (or national fee), search fee, examination fee, and application size fee apply to national patent applications (other than provisional applications) filed on or after December 8, 2004, and to international patent applications in which the basic national fee is paid on or after December 8, 2004. The new provisional application filing fee applies to any provisional application filing fee paid on or after December 8, 2004. The filing fee (or national fee), search fee, and examination fee are due on filing. If the filing fee (or national fee) is paid on filing, but the search fee and/or examination fee is missing, the USPTO will issue a notice requiring that any missing search fee and examination fee (but no surcharge until further notice) be paid within a specified period of time in order to avoid abandonment. Thus, if at least the full basic filing fee under the Consolidated Appropriations Act is paid on or after December 8, 2004, the USPTO will issue a notice requiring any balance of the search fee and the examination fee (but no surcharge).

The remaining patent application fee changes, including the excess claims fees, extension of time fees, and appeal fees, apply to any fee payment made on or after December 8, 2004, regardless of the filing date of the application for which the fee is submitted.

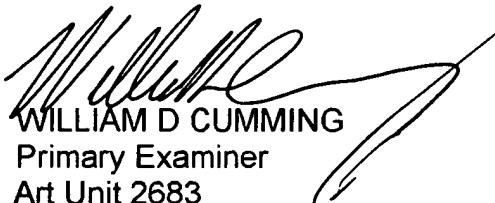
USPTO customers should monitor the USPTO's Internet Web site frequently for current patent fee information.

Payments from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM D CUMMING whose telephone number is 703-305-4394. The examiner can normally be reached on Monday-Tuesday 10:30am to 8:30pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **WILLIAM TROST** can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WILLIAM D CUMMING
Primary Examiner
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